

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

RICHARD THOMAS WALSH,  
EXECUTOR OF THE ESTATE OF  
THOMAS J. WALSH, DECEASED

v.

BASF CORPORATION; BAYER  
CORPORATION D/B/A BAYER  
CROPSCIENCE, L.P., AND BAYER  
CROPSCIENCE HOLDING, INC.,  
AND/OR BAYER CROPSCIENCE, L.P.  
AND BAYER CROPSCIENCE HOLDING,  
INC., IN THEIR OWN RIGHT; BIOSAFE  
SYSTEMS, L.L.C.; CHEMTURA  
CORPORATION; CLEARY CHEMICAL  
CORP.; DOW AGROSCIENCES, L.L.C.;  
E.H. GRIFFITH, INC.; E.I. DU PONT DE  
NEMOURS AND CO., INC.; G.B.  
BIOSCIENCES CORPORATION; JOHN  
DEERE LANDSCAPING, INC.,  
SUCCESSOR TO LESCO, INC.;  
MONSANTO COMPANY; NUFARM  
AMERICAS, INC.; REGAL CHEMICAL  
CO.; SCOTTS-SIERRA CROP  
PROTECTION CO.; AND SYNGENTA  
CROP PROTECTION, INC.

PETITION OF: DOW AGROSCIENCES,  
LLC, BAYER CROPSCIENCE, LP,  
BAYER CORPORATION, AND BAYER  
CROPSCIENCE HOLDING, INC.

RICHARD THOMAS WALSH,  
EXECUTOR OF THE ESTATE OF  
THOMAS J. WALSH, DECEASED

v.

: No. 359 WAL 2018  
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: Petition for Allowance of Appeal from  
: the Order of the Superior Court

: No. 360 WAL 2018  
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: Petition for Allowance of Appeal from  
: the Order of the Superior Court





: No. 363 WAL 2018  
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: Petition for Allowance of Appeal from  
: the Order of the Superior Court

**v.**

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PETITION OF: BASE CORPORATION

Pennsylvania Chamber of Business & Industry, is also granted. The issues, as stated by petitioners, are:

- (1) Did the Superior Court majority commit reversible error in concluding that, when evaluating scientific evidence under the *Frye* standard, trial courts are not permitted to act as “gatekeepers” to ensure the relevance and reliability of scientific studies offered by experts to support their opinions by scrutinizing whether those studies actually support their opinions?
- (2) Did the Superior Court majority commit reversible error in concluding that trial courts may not review experts’ opinions extrapolating from a broad class of products and injuries to a specific product and injury, thereby eliminating plaintiff’s burden to show product-specific causation of plaintiff’s specific injury?
- (3) Did the Superior Court majority commit reversible error in concluding that the trial court erred without explaining how it abused its discretion because of manifest unreasonableness, partiality, prejudice, bias, ill-will or such lack of support from the evidence or the record so as to be clearly erroneous?